

**REMARKS**

Reconsideration and allowance of the present application are respectfully requested in light of the preceding amendments and following remarks. Claims 1-3, 6-17, 19 and 21-24 are pending in this application. By this Amendment, claims 1, 6, 13-14, 21 and 24 are amended, and claims 5 and 20 are cancelled. By this Amendment, no claims are added. Claims 1 and 14 are independent claim.

Because the amendments to claims 1, 13-14 and 24 raise new issues requiring a further search and/or consideration, Applicants have filed this Amendment along with a Request for Continued Examination (RCE) to ensure its consideration. Any subsequent action other than a Notice of Allowance or Quayle Action should be non-final.

**Examiner Interview**

Applicants thank the Examiner for granting the telephone interview conducted on December 29, 2008. Applicants amended independent claims 1 and 14 in accordance with the Examiner suggestions. For instance, Applicants amended claims 1 and 14 to expressly recite that the first and second indicators are transmitted at the same time. As admitted by the Examiner, Sawada (U.S. Patent No. 7,088,683, hereinafter Sawada) does not disclose this limitation. In addition, Applicants have amended claims 13 and 24 to recite "wherein each user specific field is individually power controlled based on monitoring the first and second indicators in the user specific field." As admitted by the Examiner, Proctor (U.S. Patent No. 7,218,623, hereinafter Proctor) does not disclose this limitation. Therefore, Applicants

respectfully respects that all rejections to independent claims 1 and 14, as well as their respective dependent claims, be withdrawn.

**Rejections under 35 U.S.C. §103**

**Parantainer / Sawada**

The Examiner has rejected claims 1-3, 5-7, 14-17 and 20-22 under 35 U.S.C. §103(a) as being unpatentable over Parantainer (U.S. Patent No. 7,092,373) in view of Sawada. As indicated by the Examiner during the interview, Sawada does not disclose the control signal data in each field including a first indicator specifying one of an acknowledgment and a negative acknowledgment of a packet transmitted by a user and a second indicator related to a transmit rate at which the user is to transmit in the uplink, the first and second indicators being transmitted at the same time” as required by independent claims 1 and 14. Furthermore, Parantainer fails to cure the deficiencies of Sawada. Therefore, Parantainer and Sawada, alone or in combination, fail to render independent claims 1 and 14 obvious to one of ordinary skill in the art. The dependent claims, depending from independent claims 1 and 14, are patentable for the same reasons stated above. Accordingly, Applicants respectfully request this rejection be withdrawn.

**Parantainer / Sawada / Gardner**

The Examiner rejects claims 9 and 23 under 35 U.S.C. §103(a) as being unpatentable over Parantainen in view of Sawada and Gardner et al. (U.S. Patent No. 7,146,174, hereinafter “Gardner”). Claims 9 and 23, dependent on amended claims 1 and 14, are patentable for at least the same reasons stated above. Furthermore,

Gardner fails to cure the deficiencies of Parantainen and Sawada. Therefore, Applicant respectfully requests that this art ground of rejection of these claims under 35 U.S.C. §103 be withdrawn.

Parantainen / Sawada / Tiedemann

The Examiner rejects claims 10-12 under 35 U.S.C. §103(a) as being unpatentable over Parantainen in view of Sawada and in further view of Tiedemann (U.S. Patent No. 7,120,134, hereinafter Tiedemann). Claims 10-12, dependent on amended claim 1, are patentable for at least the same reasons stated above. Therefore, Applicant respectfully requests that this art ground of rejection of these claims under 35 U.S.C. §103 be withdrawn.

Parantainen / Sawada / Proctor

The Examiner rejects claims 13 and 24 under 35 U.S.C. §103(a) as being unpatentable over Parantainen in view of Sawada in further view of Proctor, Jr. (U.S. Patent No. 7,218,623, hereinafter "Proctor"). Claims 13 and 24, dependent on amended claims 1 and 14, are patentable for at least the same reasons stated above. Furthermore, Proctor fails to cure the deficiencies of Parantainen. For instance, the Examiner indicated during the interview that Proctor does not disclose the newly amended features of claims 13 and 24. Therefore, Applicant respectfully requests that this art ground of rejection of these claims under 35 U.S.C. §103 be withdrawn.

**CONCLUSION**

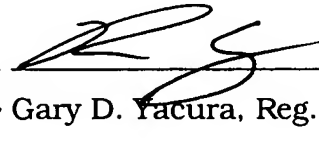
In view of the above remarks and amendments, Applicant respectfully submits that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNES, DICKEY, & PIERCE, P.L.C.

By  #60977  
Ryan Alley for Gary D. Yacura, Reg. No. 35,416

P.O. Box 8910  
Reston, Virginia 20195  
(703) 668-8000

GDY/JBS/gew